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The Honorable Sanket J. Bulsara, U.S.M.J.
U.S. District Court, Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Rodea v. New York Diner, Inc. et al*
Case No.: 1:21-cv-00217

Dear Honorable Magistrate Judge Bulsara:

This law firm represents Defendants New York Diner, Inc. and Paula Rivadeneira (together, the “Defendants”) in the above-referenced matter.

Pursuant to Rules I(A) and IV(B) of Your Honor’s Individual Motion Practices, and pursuant to Your Honor’s August 13, 2021 Order, this letter respectfully serves as a motion to compel Plaintiff to: (i) produce supplemental responses to Defendants’ First Set of Interrogatories, *without objections*; and (ii) produce supplemental responses to Defendants’ First Request for the Production of Documents¹, *without objections*.

On September 1, 2021, Plaintiff provided the undersigned counsel with a response to Defendants’ August 11, 2021 deficiency letter [*see* Dckt. Nos. 15-5, 18-1].

Plaintiff’s responses and objections to Defendants’ First Set of Discovery Requests are still grossly deficient because: (i) Plaintiff has still not provided written, verified, revised responses to Defendants’ First Set of Interrogatories; (ii) Plaintiff has still not provided written revised responses to Defendants’ First Request for the Production of Documents; and (iii) Plaintiff’s counsel has continued to refused to withdraw improper boiler-plate general objections as to relevancy, overbreadth, undue burden, and disproportionality.

The undersigned certifies that Defendants and Plaintiff met-and-conferred by telephone regarding the above-referenced dispute on August 20, 2021 in a good faith effort to resolve the dispute without Court intervention pursuant to E.D.N.Y. Local Civil Rule 26.4 and Fed.R.Civ.P. 37(a)(1). Prior to, and during this meet-and-conferral, the undersigned raised the possibility of moving to compel.

On September 13, 2021, in an effort to resolve the dispute without Court intervention, the undersigned – once again – contacted Plaintiff’s counsel to obtain his availability for a meet-and-conferral call to address Plaintiff’s deficiencies. On September 14, 2021, Plaintiff’s counsel responded as follows:

“You’ve raised all issues below, all of which have been addressed after our meet and confer on 8/20/2021. I just don’t see a further need to meet and confer as you

¹ Defendants’ First Request for the Production of Documents, together with Defendants’ First Set of Interrogatories are hereinafter referred to as, “Defendants’ First Set of Discovery Requests”.

are in possession of all the requested documents in Plaintiff's possession.”

We thank the Court for its attention to this matter, and are available at the Court's convenience to answer any questions related to the foregoing.

Thank you, in advance, for your time and consideration.

Respectfully submitted,

LEVIN-EPSTEIN & ASSOCIATES, P.C.

By: /s/ Jason Mizrahi

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